

RI Department of Environmental Management

ISDS Designer Licensing Review Panel

DRAFT Minutes of Open Session of February 16, 2007

This meeting of the ISDS Designer Licensing Review Panel was conducted at 235 Promenade Street, in Conference Room 280C.

Members of the Panel Present:

Scott Moorehead, Chairman

Jim Tavares

David Burnham

Dan Cotta

Members Absent:

Al DiOrio

Others present:

Russ Chateauneuf, Chief, DEM Groundwater &Wetlands Protection

Brian Moore, DEM ISDS Program

Brian Sullivan, DEM ISDS Program

Lisa McGreavy, DEM Groundwater and Wetlands Protection

The meeting was called to order at 9:55 A.M.

Minutes of the December 8, 2006 Meeting Open Session:

Dave Burnham made a motion to accept the Minutes of the Open

Session portion of the December 8, 2006 meeting with no revisions. Jim Tavares seconded the motion. Dave Burnham, Jim Tavares, Dan Cotta, and Scott Moorehead voted in favor of the motion. The motion passes.

At 10:00 A.M., in open call, Dave Burnham announced that the meeting would proceed in Executive Session pursuant to R.I.G.L. 42-46-5 (a)4 for discussion of conduct of specific designers. Jim Tavares seconded the motion. Dave Burnham, Jim Tavares, Scott Moorehead, and Dan Cotta voted in favor of conducting business in Executive Session. The motion passes.

Continuation of Open Session

The open meeting was reconvened at 11:05 A. M.

Dave Burnham made a motion to reaffirm votes taken in Executive Session and seal the minutes of the Executive Session. Jim Tavares seconded the motion. Dave Burnham, Jim Tavares, Scott Moorehead, and Dan Cotta voted in favor of the motion. The motion passes.

Votes taken while in Executive Session:

Dave Burnham made a motion to accept the Minutes of the Executive Session portion of the December 8, 2006 meeting with no revisions. Jim Tavares seconded the motion. Dave Burnham, Jim Tavares,

Scott Moorehead, and Dan Cotta voted in favor of the motion. The motion passes.

Dave Burnham made a motion to seal the minutes of the Executive Session, adjourn the Executive Session, and reconvene the Open Session. Jim Tavares seconded the motion. Dave Burnham, Jim Tavares, Dan Cotta, and Scott Moorehead voted in favor of the motion. The motion passes.

Policy Development - Determining Whether Work on BSF is Maintenance or a Repair requiring Permits:

R. Chateauneuf: As a follow up to the discussion at the last meeting, we spoke with staff with experience in the field. There is a fine line between what constitutes maintenance versus repair work. When in doubt, designers and installers need to call the department to explain their situation and get feedback before proceeding. If the action was not clearly maintenance work, then a permit would be required.

B. Sullivan: Per field staff, anything beyond bottle brushing is a repair; anything touching the BSF is a repair.

R. Chateauneuf: What about in other situations such as freezing – repair can be maintenance in this case.

D. Cotta: Putting laterals back to be able to access weeds and remove them has also been considered maintenance.

B. Moore: Staff feels that any time you are replacing stone or doing any action with stone, it is a repair.

D. Burnham: Permits should be required for cleaning or repairing a pipe. But agree with D. Cotta – cleaning off weeds is maintenance. It is maintenance if moving media temporarily, but it is a repair requiring permits if removing any media for replacement.

B. Moore: Staff wants to be called with BSF questions so we know what is going on in the field; there has to be communication. If it turns out that a permit is needed, we could get it out that day.

There was a general consensus that work would not be considered repair and therefore would not need a permit if it involves only moving media; on the other hand replacing media would be a repair and require a permit.

Webpage Listing Departmental Sanctions on ISDS Designer Performance:

R. Chateaufneuf referenced the DOH Office of Professional Regulation - Board of Examiners in Dentistry website (www.health.ri.gov/hsr/professions/dental.php) as an example of what the director would like to see developed on the DEM website for actions the department has taken on ISDS Designers. The Panel does a lot of work in overseeing the performance of ISDS designers that the public doesn't know about and should know about. The DOH dentistry site includes information about the Board of Examiners and lists their names and board's objectives as the board is a decision making entity; however we are not proposing to list the names and objectives of the Review Panel as the panel's role is advisory only.

The DOH site has a link set up so that specific sanctions are listed under the dentist's name and the sanction could be selected and what returns is a scanned copy of the document outlining the sanction. However in the case of the decisions the department makes regarding ISDS designers, many of our actions are warning letters that are not open to appeal. There is no acknowledgement on the part of the designer. DEM legal counsel will need to review the draft webpage before it is finalized. L. McGreavy drafted a sample webpage which was distributed; feedback was requested from the Panel.

S. Moorehead: If the documents are public, they should be made available. NOV's should be listed; not sure about warning letters. R. Chateaufneuf noted that all actions are already listed in the open minutes and posted on the Secretary of State website. B. Moore – Copies of warning letters should not be accessible on the website. S. Moorehead and D. Burnham agree – do not post warning letters, only departmental actions such as consent agreements and NOVs. D. Burnham added that the webpage could contain a statement that warning letters are not posted on the website but are available by contacting the department to make an appointment to review the files.

S. Moorehead: Also add a statement that the actions are taken by the Director to make it clear that the Panel is advisory only. There was general consensus that the website would be a worthwhile effort.

Next Meeting:

The next meeting of the panel is tentatively scheduled for Friday, March 30, 2007 from 9:30 AM to 12:00 PM in Conference Room 200C1 in the DEM Office of Water Resources.

Dave Burnham made a motion to adjourn. Jim Tavares seconded the motion. Dave Burnham, Jim Tavares, Scott Moorehead, and Dan Cotta voted in favor of the motion. The motion passes.

The meeting adjourned at 11:27 A.M.